IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 401 of 2007(W)

PETITIONER:

K.P. SALAHUDDIN,
S/O. MOHAMMED KUNHI HAJI, AGED 51 YEARS,
MANAGER, SHARAF ARTS & SCIENCE COLLEGE,
P.O. PADNE, KASARAGOD DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA,REPRESENTED BY THE CHIEF SECRETARY,SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT SUPERINTENDENT OF POLICE, KASARAGOD DISTRICT.

3. THE CIRCLE INSPCTOR OF POLICE, NEELESWARAM, KASARAGOD DISTRICT.

4. THE STATION HOUSE OFFICER, CHANDERA, KASARAGOD DISTRICT.

5. SRI.P.K.C. MAHAMOOD HAJI, S/O. KUNHAMMED HAJI, CHOKKIKANDAM, P.O. PADNE,KASARAGOD DISTRICT.

ADDL. 6. THE SUB DIVISIONAL MAGISTRATE, KASARAGOD.

(ADDL.R6 IS IMPLEADED AS PER ORDER DATED 8.1.2007 IN I.A.NO.419 OF 2007)

R1 TO R4 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE BYE-LAW OF THE SOCIETY.

EXT.P2: TRUE COPY OF THE LIST OF EXECUTIVE MEMBERS DATED 4.10.2006.

EXT.P3: TRUE COPY OF THE DECISION TO APPOINT THE PETITIONER AS MANAGER OF THE COLLEGE DATED 21.7.2006.

EXT.P4: TRUE COPY OF THE SHOW CAUSE NOTICE DATED 24.9.2006.

EXT.P5: TRUE COPY OF THE LETTER TO THE KANNUR UNIVERSITY DATED 22.9.2006.

EXT.P6: TRUE COPY OF THE ACKNOWLEDGMENT OF MONEY DATED 1.11.2006.

EXT.P7: TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT DATED 17.8.2006.

EXT.P8: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C) NO.28483/2006.

EXT.P9: TRUE COPY OF THE INSPECTION MEMO DATED 3.1.2007.

EXT.P10: TRUE COPY OF THE INSPECTION MEMO DATED 5.1.2007.

EXT.P11: TRUE COPY OF THE COMPLAINT OF THE CHAIRMAN DATED 8.10.2006.

EXT.P12: TRUE COPY OF THE COMPLAINT OF THE PETITIONER DATED 15.11.2006.

EXT.P13: TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 15.11.2006.

EXT.P14: TRUE COPY OF THE NOTICE NO.C.6526/06 OF THE ADDL.6TH RESPONDENT DATED 1.1.2007.

EXT.P15: TRUE COPY OF THE NEWS ITEM APPEARED IN THE CHANDRIKA DAILY DATED 6.1.2007.

W.P.(C)NO.401/2007

EXT.R5(a): TRUE COPY OF THE ORDER NO.GO(MS)NO.104/2003/H.EDN.DATED 29.7.2003.

EXT.R5(b): TRUE CERTIFIED COPY OF THE OFFICE BEARERS OF KOP SUBMITTED TO THE DISTRICT REGISTRAR, KASARAGODE ON 2.9.2006.

EXT.R5(c): TRUE COPY OF THE F.I.R. IN CRIME NO.334/2006 OF CHANDERA POLICE STATION.

EXT.R5(d): TRUE COPY OF REPRESENTATION DATED 2.10.2006 SUBMITTED BEFORE THE DISTRICT POLICE SUPERINTENDENT, KASARAGODE, BY THIS RESPONDENT2 MYSELF AND PRINCIPAL PROF.VIJAYAMMA.

EXT.R5(e): TRUE COPY OF THE PLAINT IN OS NO.329/2006.

EXT.R5(f): TRUE COPY OF THE COUNTER STATEMENT FILED BY THIS RESPONDENT IN IA NO.2079/2006 IN OS NO.329/2006.

EXT.R5(g): TRUE COPY OF THE LIST OF DOCUMENTS PRODUCED AND MARKED BY THE PETITIONER BEFORE THE MUNSIFF COURT, HOSDURG IN OS NO.329/2006.

// TRUE COPY //

TKS

J.B.KOSHY & K.P.BALACHANDRAN,JJ.

W.P.(C)No.401 OF 2007

Dated 8th January, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. Admittedly, there is management dispute between the petitioner and fifth respondent. It is submitted that a suit was filed by the petitioner and application for interim relief was heard and awaiting orders. We are not expressing any opinion regarding the disputes between the parties. The application for interim relief should be disposed of by the Munsiff as early as possible untrammelled by any of the observations in this judgment.

2. In a petition under Article 226 of the Constitution of India we are not deciding the question of civil disputes between the parties and we cannot decide in these proceedings who is the rightful Manager. It is also submitted that since there is a law and order situation, police has approached the Sub Divisional Magistrate for taking appropriate orders and proceedings are also initiated in that regard. Those proceedings etc. can be continued according to law. Police is directed to see that law and order is maintained and if crimes are registered, investigation should

be conducted strictly according to law, but, police should see that none of the parties in the proceedings are harassed.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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